



17 JUN 2009

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

EGBERT LAW OFFICES
412 MAIN STREET, 7TH FLOOR
HOUSTON TX 77002

In re Application of CHIELENS et al.
Application No.: 09/194839
PCT No.: PCT/FR98/00750
Int. Filing Date: 14 April 1998
Priority Date: 16 April 1997
Attorney Docket No: 1418-42
For: CYLINDRICAL DRUM
SUPPORT DEVICE

DECISION ON PETITION UNDER
37 CFR § 1.182

This decision is in response to applicant's "PETITION FOR A QUESTION NOT SPECIFICALLY PROVIDED FOR UNDER 37 CFR § 1.182" filed in the United States Patent and Trademark Office (USPTO) on 19 December 2008.

BACKGROUND

On 3 December 1998, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia,: the requisite basic national fee as required by 35 U.S.C. 371(c)(1), a copy of the international application as required by 35 U.S.C. 371(c)(2) and a "PETITION TO PROCEED UNDER 37 CFR § 1.42" because co-inventor Mr. Pierre Mettavant is deceased.

On 15 February 2000, the USPTO mailed a petition decision dismissing applicant's "PETITION TO PROCEED UNDER 37 CFR § 1.42" for failure to include a statement regarding the sole heirs of deceased co-inventor Mr. Pierre Mettavant.

On 20 March 2000, a renewed "PETITION TO PROCEED UNDER 37 CFR § 1.42" was filed the USPTO accompanied by, inter alia.: a statement by applicants' attorney regarding the sole heirs of deceased co-inventor Mr. Pierre Mettavant.

On 19 July 2001 the USPTO mailed a "NOTICE OF ABANDONMENT" (Form PCT/DO/EO/909), indicating that the application has been abandoned due to failure to pay the full basic national fee by 20 months from the earliest priority date.

On 01 August 2001, applicant filed a "PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT" accompanied by a copy of the USPTO postcard receipt indicating that payment of the basic national fee was received.

On 24 October 2001, the USPTO mailed a petition decision granting applicant's renewed "PETITION TO PROCEED UNDER 37 CFR § 1.42" and vacating the holding of abandonment.

On 06 December 2001, the USPTO mailed a "NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR § 1.494 OR § 1.495" (Form PCT/DO/EO/903) indicating a 371 date pursuant 35 U.S. C. 371 (c)(1), (c)(2) and (c)(4) of 03 December 1998.

On 19 December 2008, applicant filed the current petition under 37 CFR § 1.182 to have the application examined, accompanied by, inter alia.; the required petition fee under 37 CFR § 1.17(f) and a request for refund of said petition fee under 37 CFR 1.17(f) due to USPTO error.

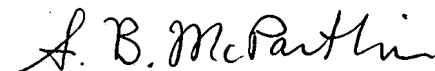
DISCUSSION

A review of the paper file associated with the instant case reveals that the case is ready for examination. Applicant's request for examination does not require the current petition under 37 CFR § 1.182.

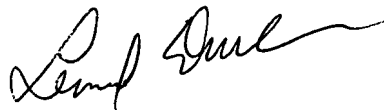
CONCLUSION

Applicant's petition under 37 CFR § 1.182 is hereby **DISMISSED**, given that such a petition is not required. The petition fee of \$400 has been credited to applicant's credit card.

The application is being forwarded to Technology Center 3600, Art Unit 3632 for examination on the merits. The supervisor of Art Unit 3632 has been made aware of the case.



Sarah McPartlin
Office of PCT Legal Administration
(571) 272-6095



Leonard Smith
Supervisory PCT Legal Examiner
Office of PCT Legal Administration